

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Yury KALNITSKY  
Application No. : 10/760,137 Filed : January 16, 2004  
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION  
Examiner : Chirag R. PATEL  
Art Unit : 2141 Confirmation No. : 7187

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL REQUEST TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER MPEP ¶ 711.03(c) 1A  
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

SIR:

This supplements Applicant's request filed on April 16, 2008 to withdraw the holding of abandonment for failure to pay the Issue Fee.

Filed herewith are the Supplemental Declarations of Suzanne Graziano and Frank J. DeRosa, together with Request Exhibits E-H.

The Supplemental Graziano Declaration and Request Exhibits E and F show that the Office indeed received the August 28, 2007 letter and CD (see original Graziano Declaration filed April 16, 2008 at ¶¶ 4-6) requesting that the customer number be changed for the above-identified application to 20999 (Frommer Lawrence & Haug LLP).

Frommer Lawrence & Haug LLP ("Frommer Lawrence") maintains an electronic docket for patent applications pending before the USPTO using Computer Packages Inc. ("CPI") docket software. CPI is recognized for its IP management systems. See [www.computerpackages.com](http://www.computerpackages.com).

The CPI docket system used by Frommer Lawrence includes a record for the above-identified application that includes, but is not limited to, the application number, attorney docket number, the mail dates of office actions, notice of allowances and the like, and due dates for responses. To the best of my knowledge, the CPI docket system used by Frommer Lawrence is reliable.

As the declarations filed herewith and on April 16, 2008, and Frommer Lawrence's electronic docket records demonstrate, the Notice of Allowance dated December 13, 2007 was not received by Frommer Lawrence (before Ms. Graziano's download on April 10, 2008). A copy of Frommer Lawrence's master docket record for USPTO responses due March 13, 2008 was previously submitted as Exhibit D attached to the Lu/Antonellis Declaration filed April, 16, 2008.

The Supplemental DeRosa Declaration and Request Exhibits G and H provide still further evidence that Frommer Lawrence & Haug LLP never received the December 13, 2007 Notice of Allowance (until Ms. Graziano downloaded a copy on April 10, 2008).

Request Exhibit G is a copy of Frommer Lawrence's electronic docket record of DeRosa's docket for March 13, 2008 USPTO due dates (which does not include anything for the above-identified application).

Request Exhibit H is a copy of Frommer Lawrence's electronic docket record for the above-identified application which does not include an entry for a Notice of Allowance or anything due on March 13, 2007.


Request Exhibits E-H, and Graziano's and DeRosa's review of the Frommer Lawrence file for the above-identified application (See original Graziano Declaration at ¶ 13 and Supplemental DeRosa Declaration at ¶ 2) show that Frommer Lawrence never received the Notice of Allowance (before Ms. Graziano's download on April 10, 2008).

It is submitted that the original Request filed April 16, 2008 and this Supplemental Request provide sufficient grounds for withdrawing the Notice of Abandonment, and such withdrawal is respectfully requested.

Date: June 20, 2008

**Customer No. 20999**  
Frommer Lawrence & Haug LLP  
745 Fifth Avenue  
New York, NY 10151  
Tel. (Direct) (212) 863-2619  
Tel. (212) 588-0800  
Fax (212) 588-0500

Respectfully submitted,

  
\_\_\_\_\_  
Frank J. DeRosa  
Reg. No. 26,543

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Yury KALNITSKY  
Application No. : 10/760,137 Filed : January 16, 2004  
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION  
Examiner : Chirag R. PATEL  
Art Unit : 2141 Confirmation No. : 7187

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL DECLARATION OF SUZANNE GRAZIANO  
IN SUPPORT OF REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

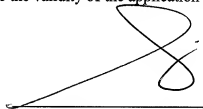
I, Suzanne Graziano, declare as follows:

1. This Declaration supplements my April 16, 2008 Declaration filed in the above application on April 16, 2008.
2. Attached as Request Exhibit E is a copy of Express Mail Label No. EM 051108681 US for the mailing by Express Mail of Request Exhibit A (letter dated August 28, 2008 to Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450) and a CD, a printout of which is Request Exhibit B. This Express Mail label shows a receipt date by the U.S. Postal System ("USPS") of August 31, 2007.
3. Attached as Request Exhibit F is a copy of a printout from the USPS's Track & Confirm web site showing that the Express Mail package for Express Mail Label EM 051108681 US was received at the USPTO, as signed by "A. Young," on September 4, 2007.

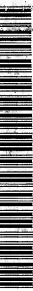
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6/20/08

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Suzanne Graziano

Customer Copy  
Label 11-F, April 2004



EM 051104681 US



UNITED STATES POSTAL SERVICE® Post Office To Addressee

| ORIGIN POSTAL SERVICE (USE ONLY)       |   | DELIVERY POSTAL SERVICE (USE ONLY)                        |   |
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| PO ZIP Code<br>10072                   | Day of Delivery<br>First <input checked="" type="checkbox"/> Day <input type="checkbox"/> Later Day <input type="checkbox"/>          | Delivery Attempt<br>Time                                  | Time  |
| Date Accepted<br>05/21/07              | Scheduled Date of Delivery<br>Month <input type="checkbox"/> Day <input type="checkbox"/>   | Mt. <input type="checkbox"/> Day <input type="checkbox"/> | Mt. <input type="checkbox"/> Day <input type="checkbox"/> |
| Postage<br>\$ 16.35                    | Day<br>Month <input type="checkbox"/> Day <input type="checkbox"/>  | Delivery Attempt<br>Time                                  | Time  |
| Return Receipt Fee<br>\$               | Scheduled Time of Delivery<br>Morning <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 1 PM <input type="checkbox"/> | Mt. <input type="checkbox"/> Day <input type="checkbox"/> | Mt. <input type="checkbox"/> Day <input type="checkbox"/> |
| Insurance Fee<br>\$                    | Total Postage & Fees<br>\$ 16.35  | Mt. <input type="checkbox"/> Day <input type="checkbox"/> | Mt. <input type="checkbox"/> Day <input type="checkbox"/> |
| Signature<br>1476                      | Post Paid <input type="checkbox"/> or Weight<br>1476  | Mt. <input type="checkbox"/> Day <input type="checkbox"/> | Mt. <input type="checkbox"/> Day <input type="checkbox"/> |
| Post Office<br>1476                    | ZIP Alpha Country Code<br>NY 10151-0099   | Mt. <input type="checkbox"/> Day <input type="checkbox"/> | Mt. <input type="checkbox"/> Day <input type="checkbox"/> |
| CUSTOMER USE ONLY<br>METHOD OF PAYMENT |   | NO DELIVERY<br>Signature of Addressee                     |   |

Related Agency Acct. No. or  
Postal Service Acct. No.

|   |   |
|---|---|
| FROM: PLEASE PRINT<br>FRANK J. DEROSA, ESQ.<br>FRUMHER LAWRENCE & HAUG, LLP<br>745 5TH AVE FL 10<br>NEW YORK<br>NY 10151-0099 | TO: PLEASE PRINT<br>MATL STOP EBC<br>COMMISSIONER SOC PATENTS<br>P.O. BOX 1450<br>ALEXANDRIA, VA 22313-1450 |
|---|---|

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Exhibit F

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Yury KALNITSKY  
Application No. : 10/760,137 Filed : January 16, 2004  
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION  
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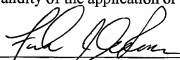
**SUPPLEMENTAL DECLARATION OF FRANK J. DEROSA  
IN SUPPORT OF REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

I, Frank J. DeRosa, declare as follows:

1. This Declaration supplements my April 16, 2008 Declaration filed in the above application on April 16, 2008.
2. I reviewed the file for the above-identified application maintained by Frommer Lawrence & Haug LLP (as of June 14, 2007), and did not find the Notice of Allowance dated December 13, 2007 or any record thereof, except for the copy of the Notice of Allowance downloaded from PAIR by Ms. Graziano on April 10, 2008 (see original Graziano Declaration filed April 16, 2008 ¶¶ 12-14).
3. Attached as Request Exhibit G are copies from Frommer Lawrence's electronic docket system of all matters on my docket with a response date of March 13, 2007. None of the records is for the above-identified application.
4. Attached as Request Exhibit H is a copy of the docket record from Frommer Lawrence's electronic docket system for the above-identified application. This record does not include a response date of March 13, 2008.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6/20/08  
Date

  
Frank J. DeRosa (Reg. No. 26,543)

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**Actions Due**

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Friday, June 20, 2008

Page: 1

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**Case Number:** 3360062005.2**Country:** US United States of America**Case Type:** ORD**Status :** Published**Filing Date:** 22-Oct-2004**Action Type:** US-3MON. ACTION**Base Date:** 13-Sep-2007**Application #:** 10/971850**Response sent date:** 13-Mar-2008

| Action(s) Due   | Due Date    | Indicator | Taken       | Ext                                 | N/A                                 |
|-----------------|-------------|-----------|-------------|-------------------------------------|-------------------------------------|
| 3 MON RESPONSE  | 13-Dec-2007 | Due Date  | 13-Mar-2008 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 1 MON EXTENSION | 13-Jan-2008 | Due Date  | 13-Mar-2008 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2 MON EXTENSION | 13-Feb-2008 | Due Date  | 13-Mar-2008 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| REMINDER        | 12-Mar-2008 | Reminder  | 13-Mar-2008 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6 MON FINAL     | 13-Mar-2008 | Final     | 13-Mar-2008 | <input type="checkbox"/>            | <input type="checkbox"/>            |
| RESPONSE FILED? | 15-Mar-2008 | Due Date  | 13-Mar-2008 | <input type="checkbox"/>            | <input type="checkbox"/>            |

**Remarks:**

INTERVIEW SUMMARY DTD 2/28/08 REC'D 3/4/08.

**User ID:** LISA**Date Created:** 17-Sep-2007**Last Update:** 13-Mar-2008



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**Actions Due**

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Friday, June 20, 2008

Page: 2

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**Case Number:** 3360012023.JP**Country:** JP Japan**Case Type:** DES**Status :** Pending**Filing Date:** 05-Nov-2007**Action Type:** RESPONSE DUE**Base Date:** 20-Feb-2008**Application #:** 2007-030517**Response sent date:**

| Action(s) Due    | Due Date    | Indicator | Taken       | Ext                                 | N/A                      |
|------------------|-------------|-----------|-------------|-------------------------------------|--------------------------|
| RESPONSE DUE     | 20-Feb-2008 | Due Date  |             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INSTRUCT BY      | 13-Mar-2008 | Due Date  | 07-Mar-2008 | <input type="checkbox"/>            | <input type="checkbox"/> |
| REMINDER         | 19-Mar-2008 | Reminder  |             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| RESPONSE DUE DDD | 21-Mar-2008 | Due Date  | 07-Mar-2008 | <input type="checkbox"/>            | <input type="checkbox"/> |
| STATUS CK        | 21-Apr-2008 | Due Date  | 28-Mar-2008 | <input type="checkbox"/>            | <input type="checkbox"/> |

**Remarks:**

RESP TO OA; 2/20/08 FAX RE NEW DDD TO RESPOND IS 3/21/08 (INSTRUCT BY 3/13/08). INSTRUCTIONS SENT TO ASO 3/7/08 AS PER G.S. EMAIL OF 3/7/08.  
AWAITING CONFIRMATION OF FILING.

**User ID:** LFY**Date Created:** 03-Dec-2007**Last Update:** 28-Mar-2008

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## Actions Due

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Friday, June 20, 2008

Page: 3

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**Case Number:** 3360022001.1.US

**Country:** US United States of America

**Case Type:** CIP

**Status:** Published

**Filing Date:** 21-Nov-2007

**Action Type:** US-MISSG PT-FLG

**Base Date:** 13-Dec-2007

**Application #:** 11/943926

**Response sent date:** 12-Feb-2008

| Action(s) Due   | Due Date    | Indicator | Taken       | Ext                      | N/A                      |
|-----------------|-------------|-----------|-------------|--------------------------|--------------------------|
| MISSING PARTS   | 13-Feb-2008 | Due Date  | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| REMINDER        | 03-Mar-2008 | Reminder  | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| 1 MON EXTENSION | 13-Mar-2008 | Due Date  | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 MON EXTENSION | 13-Apr-2008 | Due Date  | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 MON EXTENSION | 13-May-2008 | Due Date  | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 MON EXTENSION | 13-Jun-2008 | Due Date  | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| FINAL MSNG PRTS | 13-Jul-2008 | Final     | 12-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |

**Remarks:**

e-filed 2/12/08

**User ID:** LFY

**Date Created:** 17-Dec-2007

**Last Update:** 12-Feb-2008

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**Actions Due**

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Friday, June 20, 2008

Page: 4

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**Case Number:** 3360012025.1**Country:** US United States of America**Case Type:** ORD**Status :** Pending**Filing Date:** 30-May-2000**Action Type:** RESP TO NON-COMPLIANT AMEND.**Base Date:** 13-Feb-2008**Application #:** 09/584045**Response sent date:** 22-Feb-2008

| Action(s) Due                 | Due Date    | Indicator | Taken       | Ext                      | N/A                      |
|-------------------------------|-------------|-----------|-------------|--------------------------|--------------------------|
| REMINDER                      | 26-Feb-2008 | Reminder  | 22-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| RESP TO NON-COMPLIANT AME     | 13-Mar-2008 | Due Date  | 22-Feb-2008 | <input type="checkbox"/> | <input type="checkbox"/> |
| RESP TO NON-COM Follow Up Dat | 22-Aug-2008 | Due Date  |             | <input type="checkbox"/> | <input type="checkbox"/> |

**Remarks:**

NOTICE OF NON-COMPLIANT AMENDMENT DTD 2/13/08 REC'D 2/20/08  
(EXTENDABLE UNDER 37 CFR 1.136); RESPONSE E-FILED 2/22/08.

**User ID:** LISA**Date Created:** 20-Feb-2008**Last Update:** 22-Feb-2008

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## Country Application

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Friday, June 20, 2008

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Case Number: 3360012040

Country: US

Client: Bloomberg LLP

United States of America

Case Type: ORD

Application Status: Published

Application Number: 10/760137

Filing Date: 16-Jan-2004

Publication Number: US-2005-0198097-A1

Publication Date: 08-Sep-2005

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule:

Expiration Date:

Confirmation #: 7187

Patent Term Adjustment: 0

Agent:

Agent Reference #:

ccClient:

Family Reference:

Examiner: PATEL, CHIRAG R

Second Assignee:

Group Art Unit: 2141

Non Priority Country:

Non Priority Date:

Non Priority Doc No:

Second Priority Country:

Second Priority Date:

Second Priority Doc No:

Third Priority Country:

Third Priority Date:

Third Priority Doc No:

Bar Date:

EU or SBC Ref.:

Allowed Date:

Place of Incorporation:

Great Grandparent:

Great Grandparent Filing:

Grandparent:

Grandparent Filing:

Head of Clan:

Head of Clan Filing:

Family Number: 3360012040

Remarks: POA AND ASSIGNEE SHOWING OWNERSHIP E-FILED 4/16/08. REQ TO  
WITHDRAW HOLDING OF ABANDONMENT E-FILED 4/16/08. NOTICE OF  
ACCEPTANCE OF POA DTD 4/23/08 REC'D 5/1/08.

**List Of Actions**

| Action(s) Due              | Due Date    |          | Action Taken |
|----------------------------|-------------|----------|--------------|
| APPLICATION DEADLINE       | 15-Jan-2004 | Due Date | 16-Jan-2004  |
| INF DISCLOSURE STMT        | 16-Jan-2004 | Due Date |              |
| NON-PUBLICATION REQ        | 16-Jan-2004 | Due Date | 16-Jan-2004  |
| PUBLISH AS AMENDED         | 16-Jan-2004 | Due Date |              |
| POST CARD CHECK            | 16-Feb-2004 | Due Date | 26-Jan-2004  |
| FILG RCPT STATUS CHK       | 16-Apr-2004 | Due Date | 29-Apr-2004  |
| INF DISCLOSURE STMT        | 16-Apr-2004 | Due Date | 28-Mar-2007  |
| MISSING PARTS (2 MO)       | 26-Jun-2004 | Due Date | 05-Aug-2004  |
| 6 MO. FOR. FILNG REM       | 16-Jul-2004 | Due Date | 16-Sep-2004  |
| UPDATED FILG RCPT          | 29-Sep-2004 | Due Date | 04-Oct-2004  |
| 9 MO. FOR. FILNG REM       | 16-Oct-2004 | Due Date | 13-Jan-2005  |
| MISSING PARTS (2 MO)-Final | 26-Nov-2004 | Final    | 05-Aug-2004  |
| 11 MO FOR FILNG REM        | 16-Dec-2004 | Due Date | 13-Jan-2005  |
| NOTIFY PTO OF FF           | 14-Jan-2005 | Due Date |              |
| FOR FILING DEADLINE        | 16-Jan-2005 | Due Date | 14-Jan-2005  |
| RECORDATION OF ASGMT       | 09-Feb-2005 | Due Date | 15-Feb-2005  |
| STATUS CHECK               | 16-Jul-2005 | Due Date | 13-Jul-2005  |
| PUBLICATION                | 08-Sep-2005 | Due Date | 08-Sep-2005  |
| RESPONSE TO OA             | 13-Oct-2005 | Due Date | 13-Jan-2006  |
| RESPONSE TO OA-Final       | 13-Jan-2006 | Final    | 13-Jan-2006  |
| EARLY RESP FINAL REJ       | 20-May-2006 | Due Date | 04-May-2006  |
| FINAL REJECTION            | 20-Jun-2006 | Due Date | 17-Jul-2006  |
| ADVISORY ACTION            | 02-Aug-2006 | Due Date |              |
| FINAL REJECTION-Final      | 20-Sep-2006 | Final    | 17-Jul-2006  |
| NOTICE OF APPEAL           | 20-Sep-2006 | Due Date | 17-Aug-2006  |
| APPEAL BRIEF               | 17-Oct-2006 | Due Date | 20-Feb-2007  |
| RCE FILED                  | 20-Feb-2007 | Due Date |              |
| APPEAL BRIEF-Final         | 17-Mar-2007 | Final    | 20-Feb-2007  |
| 3 MON RESPONSE             | 12-Jul-2007 | Due Date | 12-Oct-2007  |
| 1 MON EXTENSION            | 12-Aug-2007 | Due Date | 12-Oct-2007  |
| INF DISCLOSURE STMT-Final  | 16-Aug-2007 | Final    | 28-Mar-2007  |

## Country Application

Friday, June 20, 2008

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|                         |             |          |             |
|-------------------------|-------------|----------|-------------|
| STATUS CHECK            | 20-Aug-2007 | Due Date |             |
| 2 MON EXTENSION         | 12-Sep-2007 | Due Date | 12-Oct-2007 |
| REMINDER                | 10-Oct-2007 | Reminder | 12-Oct-2007 |
| 6 MON FINAL             | 12-Oct-2007 | Final    | 12-Oct-2007 |
| RESPONSE FILED?         | 15-Oct-2007 | Due Date | 12-Oct-2007 |
| Post card check         | 12-Nov-2007 | Reminder | 12-Oct-2007 |
| STATUS CK               | 20-Nov-2007 | Due Date | 27-Aug-2007 |
| Office action follow up | 12-May-2008 | Reminder | 16-Apr-2008 |
| F/UP - ABANDONMENT      | 16-Jul-2008 | Due Date |             |

User ID: LISA

Date Created: 10-Jul-2007

Last Update: 01-May-2008